

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of

Amendment of Section 73.202(b),)
Table of Allotments)
FM Broadcast Stations)
(Coleman, Sebewaing and)
Tuscola, Michigan))

MM Docket No. 95-7
RM-8561

To: Chief, Allocations Branch

DOCKET FILE COPY ORIGINAL

OPPOSITION

Come Together Ministries, Inc. ("Come Together Ministries"), a non-profit, tax exempt corporation, and the licensee of Station WPRJ(FM), Coleman, Michigan, vigorously opposes the "channel swap" proposed by Faircom Flint, Inc. ("Faircom"), licensee of WWBN(FM), Tuscola, Michigan.

Faircom wants to force WPRJ to change frequency in order to permit WWBN to increase power to six kilowatts and move its transmitter site nearly 21 kilometers west. It is obvious Faircom's proposal is motivated by its desire to compete in the Flint and Saginaw markets. The attached engineering study, prepared by Roy P. Stype, III of Carl E. Smith Consulting Engineers, indicates that from the site Faircom proposes, WWBN's

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coverage of the Flint and Saginaw Urbanized Areas will significantly increase.¹

Pursuit of Faircom's business objective -- i.e., competing in the Flint and Saginaw markets -- does not warrant the disruption to WPRJ and the listening public that the proposed channel swap would entail. Furthermore, adoption of Faircom's proposal would disserve the public in that it would result in the loss of service from WWBN to listeners located on the eastern side of the station's present contour. Such a withdrawal of service is not in the public interest. The Commission has previously said the public "has a legitimate expectation that existing service will continue." Memorandum Opinion and Order in MM Docket No. 88-526, 5 FCC Rcd 7094, 7097 (1990).

Faircom attempts to justify its proposal on the basis of the claim that WWBN and WPRJ, both currently restricted to three kilowatts, could increase power to six kilowatts if the channel swap took place. Come Together Ministries does not believe, however, that a channel swap is necessary for WPRJ to increase power to or near six kilowatts in the foreseeable future. The primary impediment to a WPRJ power increase is a one kilometer

¹ Presently WWBN's 1.0 mv/m contour includes 14.3% of the area and 8.49% of the population within the Flint Urbanized Area. Operating on Channel 268A from its proposed location, WWBN's 1.0 mv/m contour would include 45.3% of the area and 49.7% of the population within the Flint Urbanized Area. Presently no portion of the Saginaw Urbanized Area is within the WWBN 1.0 mv/m contour. But with Faircom's proposed facilities, WWBN's 1.0 mv/m contour would encompass 69.4% of the area and 81% of the population of the Saginaw Urbanized Area.

short-spacing to WCUZ-FM, Grand Rapids. WCUZ-FM, however, has pending an application (BMPH-940720IB) to move to a new site. From that new site, WCUZ-FM would be fully spaced to WPRJ. The only other short-spacing facing WPRJ on its current channel, according to the spacing study included as Appendix 1 of Faircom's rulemaking petition, is 0.69 kilometers to WBTZ(FM), Pinconning. But in light of the circumstances present (that is, (a) WBTZ operates on a third-adjacent channel, (b) the short-spacing is minimal and (c) the specially negotiated short-spacing between WBTZ and a Canadian stations limits WBTZ's maximum facilities), Come Together Ministries is confident that it can successfully apply to increase WPRJ's power once WCUZ-FM moves to its new site.

With respect to WWBN, Mr. Stype's attached engineering study clearly indicates WWBN could upgrade its facilities to six kilowatts on its present frequency if the station moved to a site 13.2 kilometers north-northwest of Tuscola. From that site, the station still would provide a city-grade signal to Tuscola. See Figure 1.2 of Mr. Stype's engineering statement.

Before putting Come Together Ministries through the substantial disruption of a channel swap, the Commission should require Faircom to convincingly demonstrate that a six kilowatt upgrade on WWBN's present frequency is impossible. (The fact that such an upgrade would require WWBN to change its transmitter location is of no significance in light of the fact Faircom's

channel swap proposal entails relocation of the WWBN transmitter 20.8 kilometers west of its present location.)

It is obvious that what Faircom really wants to do is get closer to Flint and Saginaw. As noted above, with its proposed facilities, Faircom will cover much more of the Flint and Saginaw Urbanized Areas. Where the obvious objective of a proposed amendment to the Table of Allotments is to permit a station licensed to a community outside of any Urbanized Area to institute or increase coverage to one or more Urbanized Areas, the Commission must closely examine whether the objectives of Section 307(b) of the Communications Act would actually be furthered, particularly if that change would come at the expense of a loss of coverage to a rural area previously served. Sandy Springs, Georgia, 6 FCC Rcd 6580, 6586 (Mass Media Bureau 1991); see Faye and Richard Tuck, 3 FCC Rcd 5374, 5379 (1988).


Come Together Ministries wishes to note that Faircom did present its proposal previously to WPRJ's management. Some discussions regarding the cost of the frequency switch were held. In a meeting conducted May 17, 1994, a Faircom representative assured WPRJ's management, including myself, that WWBN's format would not give Come Together Ministries, as a licensee of a Christian music station, any concern. On September 15, 1994, however, we learned that WWBN's new format would be "risque rock." Come Together Ministries will not in any way be associated with that type of format and accordingly has refused to negotiate any

further with Faircom. We feel strongly that Faircom, at minimum, mislead us regarding the WWBN format. In light of their past actions, we expect that if the Commission forces us to change channels, our dealings with Faircom regarding the required reimbursement of our costs will be very difficult and probably will ultimately require the Commission's direct involvement.

In sum, Come Together Ministries believes it is blatantly unfair to cause WPRJ to suffer substantial disruption so that WWBN can compete in the Flint and Saginaw market with a format that Come Together Ministries finds reprehensible.

COME TOGETHER MINISTRIES, INC)

By

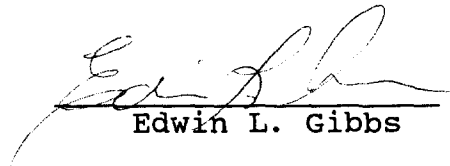

Gary H. Bugh
Its President

Station WPRJ
P.O. Box 236
Coleman, MI 48613

CERTIFICATE OF SERVICE

I, Edwin L. Gibbs, do hereby certify that on this 15th day of March, 1995, I mailed first-class, postage paid, a copy of the foregoing **OPPOSITION** to:

Richard M. Riehl, Esquire
Haley, Bader & Potts
4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633


Edwin L. Gibbs

ENGINEERING STATEMENT IN
SUPPORT OF COMMENTS

MM DOCKET 95-7

Come Together Ministries, Inc.
Coleman, MI

March 8, 1995

Prepared for: Mr. Gary Bugh
Come Together Ministries, Inc.
P.O. Box 236
Coleman, MI 48618

CARL E. SMITH CONSULTING ENGINEERS

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Tuscola, MI

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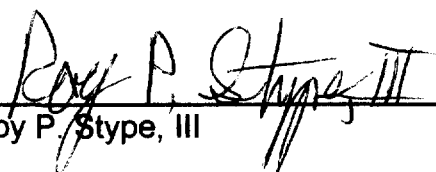
Fig. 1.2 - Predicted WWBN Service Contours
(Channel 269A - Assumed Site)

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

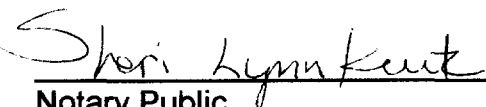
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Come Together Ministries, Inc., to prepare the attached "Engineering Statement In Support Of Comments - MM Docket 95-7."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **March 8, 1995.**



Notary Public

/SEAL/

SHERI LYNN KURTZ, Notary Public
For the State of Ohio
My Commission Expires June 14, 1998
Recorded in Summit County

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Come Together Ministries, Inc., licensee of Radio Station WPRJ(FM) - Coleman, Michigan, in support of comments in MM Docket 95-7. WPRJ presently operates on Channel 268A. At the request of the licensee of WWBN(FM) - Tuscola, Michigan, the Notice of Proposed Rulemaking in this proceeding proposed to substitute Channel 268A for Channel 269A in Tuscola, Michigan, and modify the license of WWBN to specify operation on Channel 268A, in order to permit 6 kilowatt operation by WWBN. In order to accommodate this channel substitution in Tuscola, this Notice also proposed to substitute Channel 269A for Channel 268A in Coleman, Michigan, and modify the license of WPRJ to specify operation on Channel 269A. Additionally, it also proposes to either delete vacant Channel 267A from Sebewaing, Michigan, without replacement or substitute Channel 280A for Channel 267A in Sebewaing.

Figure 1.0 is a map exhibit depicting the 1 mV/m contour for the present operation of WWBN on Channel 269A in relation to that for the proposed operation of WWBN on Channel 268A. As outlined in the March 11, 1991 Memorandum Opinion and Order in MM Docket 86-29 (Greenup, Kentucky, and Athens, Ohio) the contour depicted for the present operation of WWBN assumes operation with an effective radiated power of 3 kilowatts at 100 meters above average terrain, while that depicted for the proposed operation assumes operation with an effective radiated power of 6 kilowatts at 100 meters above average terrain. As shown in this figure, the proposed channel substitution in Tuscola, in conjunction with the associated site relocation, will greatly increase the WWBN coverage of the Flint, Michigan, urbanized area and also provide significant coverage to the Saginaw, Michigan, urbanized area, which presently receives no service from WWBN. Table 1.0

presents a tabulation of the area and population in each of these urbanized areas which presently receive service from WWBN, as well as those which would receive service from the proposed operation of WWBN on Channel 268A.

It would be possible for WWBN to achieve 6 kilowatt operation on its present channel, eliminating the need for channel substitutions in any other communities. Table 1.1 is an FM spacing study for Channel 269A, WWBN's present channel of operation, which was conducted from a site located 13.2 kilometers north-northeast of Tuscola. The geographic coordinates of this site are:

NL - 43° 26' 00"
WL - 83° 32' 00"

As shown in this table, operation on Channel 269A from this site would comply with the spacing requirements outlined in Section 73.207 of the FCC Rules to all domestic stations requiring protection consideration. It should be noted that, pursuant to the rounding provisions of Section 73.208(c)(8) of the FCC Rules, the 114.54 kilometer spacing to WILS-FM - Lansing, Michigan, is considered to comply with the required spacing of 115 kilometers.

Table 1.1 also shows that operation on Channel 269A from this site would be short spaced to two Canadian facilities requiring consideration:

Allotment	Sarnia, ON	Channel 268A
CKNX-FM	Wingham, ON	Channel 269C1

Channel 269A in Tuscola is already a specially negotiated short spaced allotment, pursuant to Paragraph 3.5.1 of the Working Arrangement for Allotment and Assignment of FM Broadcasting Channels 201 through 300 Under the Canadian - U.S.A. FM Broadcasting Agreement of 1947, dated September 7, 1984. The applicable protection requirements for such short spaced stations are outlined in Paragraph 5.1.2 of this

arrangement. In this particular case, the required protection will be provided to the Sarnia allotment so long as the proposed WWBN 48 dBu, 10% contour does not overlap the 54 dBu, 50% contour for this allotment on Canadian soil. Likewise, the required protection will be provided to CKNX-FM so long as the proposed WWBN 34 dBu, 10% contour does not overlap the CKNX-FM 54 dBu, 50% contour on Canadian soil. Domestically, Class A facilities are protected to their 60 dBu contours. Accordingly, WWBN would only be considered to receive interference from a station occupying the Sarnia allotment if its 60 dBu, 50% contour is overlapped on U.S. soil by the 54 dBu, 10% contour of a station occupying the Sarnia allotment. Similarly, WWBN would only be considered to receive interference from CKNX-FM if its 60 dBu, 50% contour is overlapped on U.S. soil by the CKNX-FM 40 dBu, 10% contour.

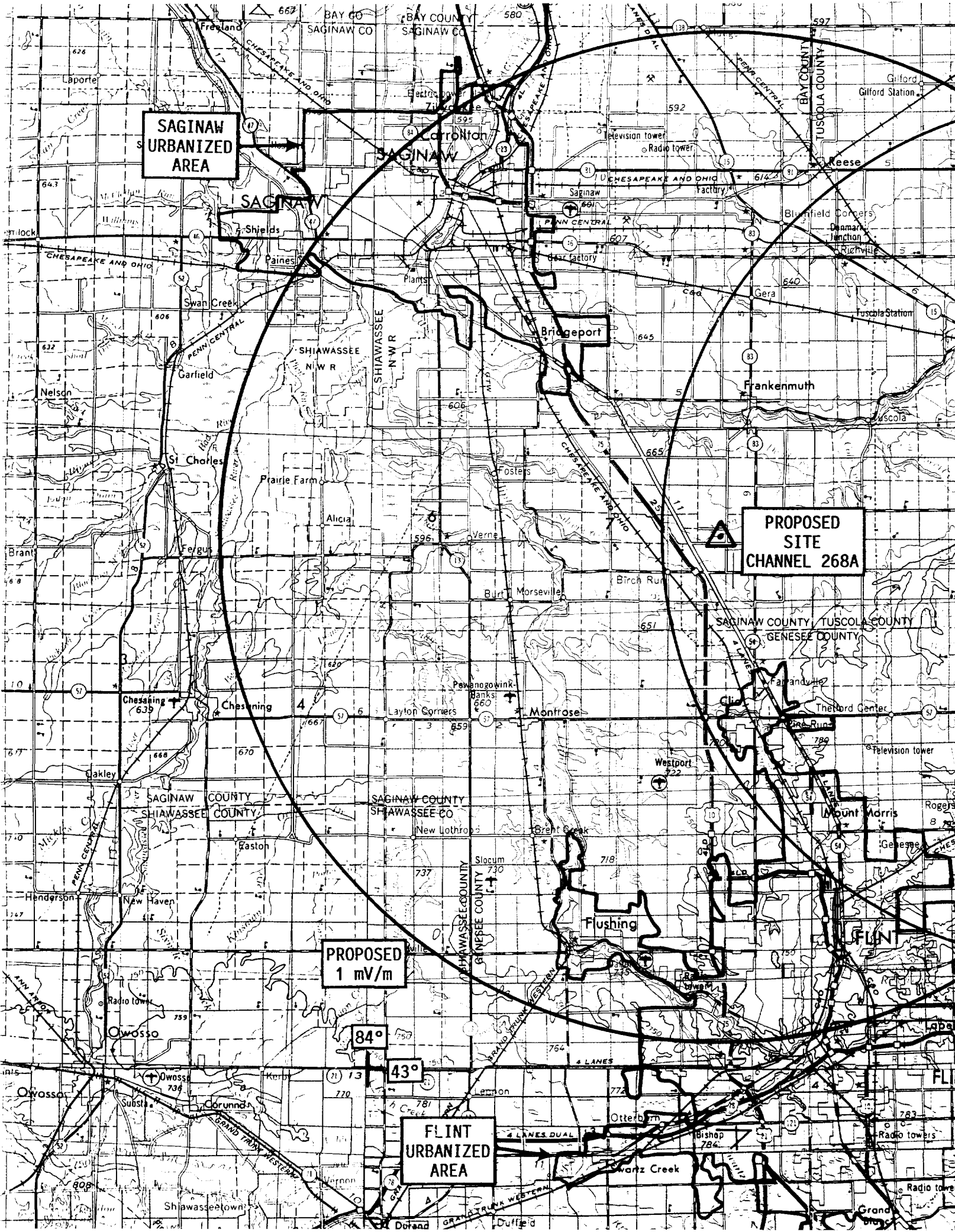
In evaluating compliance with these requirements, the Sarnia allotment was considered to be occupied by a station operating from the allotment reference coordinates with an effective radiated power of 3 kilowatts at 100 meters above average terrain, the maximum facilities permitted for a Class A facility under this arrangement. CKNX-FM was assumed to operate with maximum Class C1 facilities of 100 kilowatts effective radiated power at 300 meters above average terrain. Finally, WWBN was assumed to operate with an effective radiated power of 6 kilowatts at 100 meters above average terrain from the site coordinates outlined above.

Figure 1.0 is a map exhibit showing this situation in detail. As shown in this figure, 6 kilowatt nondirectional operation by WWBN from this site will provide the required protection to the Sarnia allotment and CKNX-FM. Furthermore, such operation by WWBN will not receive interference from either of these Canadian facilities. Thus, 6 kilowatt nondirectional operation would be possible for WWBN on its present channel from this site

while meeting the protection requirements to all other stations, both domestic and foreign, which require protection consideration.

Figure 1.2 is a map exhibit depicting the predicted 3.16 mV/m and 1 mV/m contours for 6 kilowatt nondirectional operation at 100 meters above average terrain by WWBN from this site. These contours were projected utilizing terrain data from the NGDC 30 second terrain database. As shown in this figure, 6 kilowatt nondirectional operation from this site will also provide the required city grade service to Tuscola, pursuant to Section 73.315(a) of the FCC Rules.

Based upon the above information, 6 kilowatt nondirectional operation can be achieved by WWBN on their present channel while fully complying with all applicable protection requirements and providing the required city grade coverage to their community of license. This higher power operation can be achieved without making channel substitutions in any other communities, and, thus would avoid the service disruptions which are associated with such frequency substitutions, particularly for an operating station, such as WPRJ.



**SAGINAW
URBANIZED
AREA**

**PROPOSED
SITE
CHANNEL 268A**

**PROPOSED
1 mV/m**

**FLINT
URBANIZED
AREA**

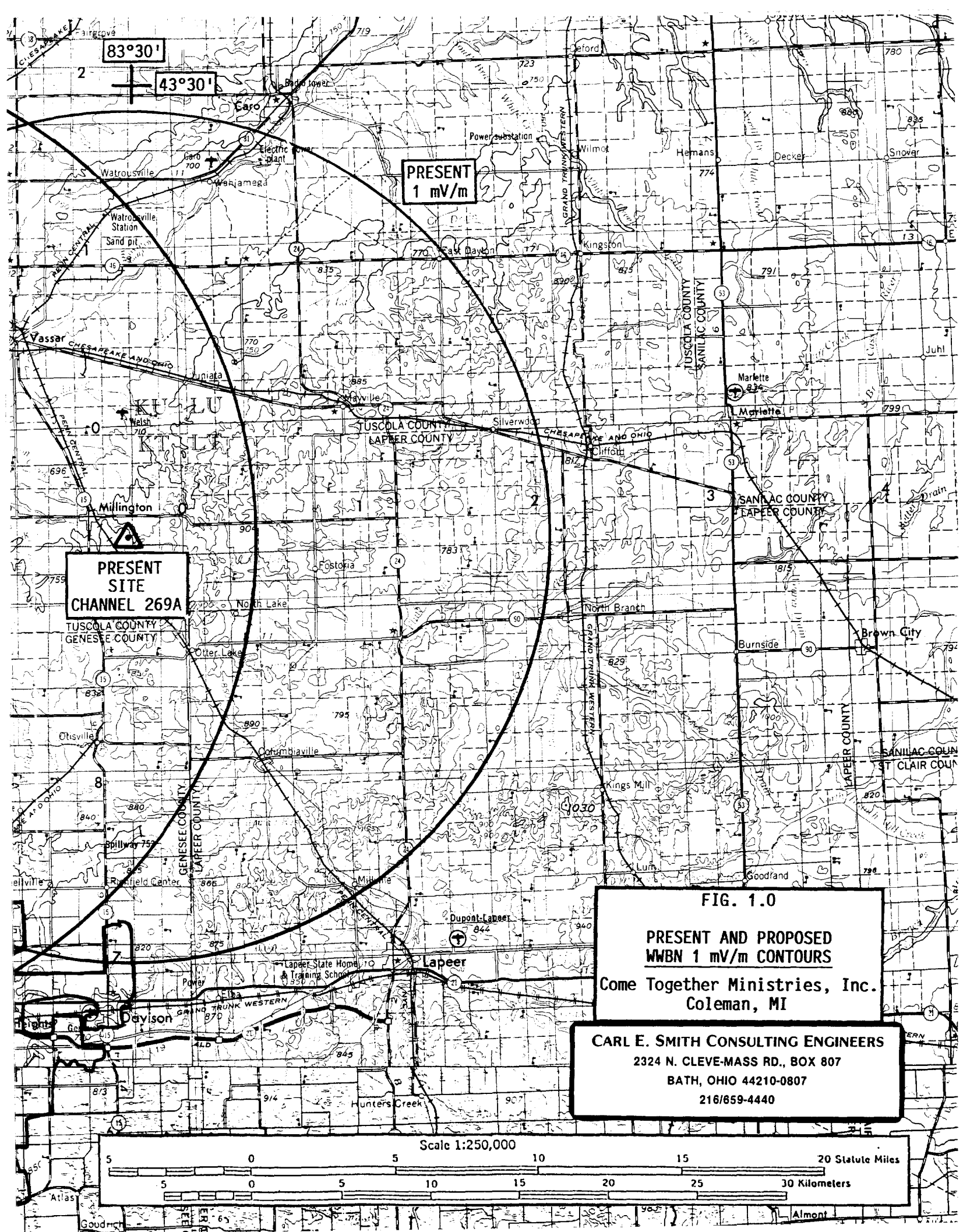


TABLE 1.0

**PRESENT AND PROPOSED
WBN COVERAGE OF
URBANIZED AREAS**

Come Together Ministries, Inc.
Coleman, MI

	<u>Areas (km²)</u>		<u>Population</u>	
	<u>Present</u>	<u>Proposed</u>	<u>Present</u>	<u>Proposed</u>
Flint Urbanized Area	61 (14.3%)	194 (45.3%)	27,234 (8.4%)	161,948 (49.7%)
Saginaw Urbanized Area	0	118 (69.4%)	0	131,399 (81.0%)
All Urbanized Areas	61	312	27,234	275,347

Total area of Flint urbanized area = 428 km².

Total population of Flint urbanized area = 326,023.

Total area of Saginaw urbanized area = 170 km².

Total population of Saginaw urbanized area = 140,079.

All population data from 1990 U.S. Census.

TABLE 1.1

FM ALLOCATION STUDY - CHANNEL 269A (101.7 MHz) - TUSCOLA, MI

 COME TOGETHER MINISTRIES, INC.
 COLEMAN, MI

STUDY COORDINATES: 43/26/00 83/32/00

STATION -----	LOCATION	CHANNEL -----	CLASS -----	SPACING (km) -----	REQUIRED SPACING* (km) -----	NOTES -----
WGAC	Alma, MI	215	A	92.56	10.0	
WFUMFM	Flint, MI	216	B	59.63	15.0	
WRIF	Detroit, MI	266	B	109.40	69.0	
ALLOTMENT	Sebewaing, MI	267	A	42.29	31.0	11
WCUZFM	Grand Rapids, MI	267	B	154.47	69.0	
WCUZFM	Grand Rapids, MI	267	B	166.98	69.0	2
WCUZFM	Grand Rapids, MI	267	B	167.45	69.0	7
WPRJ	Coleman, MI	268	A	86.19	72.0	
ALLOTMENT	Sarnia, ON	268	A	105.61	113.0	10, 11
WLQR	Toledo, OH	268	B	194.58	113.0	
WILSFM	Lansing, MI	269	A	114.54	115.0	
CKNXFM	Wingham, ON	269	C1	201.01	256.0	10
WMRR	Muskegon Heights, MI	269	B1	227.78	143.0	
WMRR	Muskegon Heights, MI	269	B1	227.78	143.0	2
WDETFM	Detroit, MI	270	B	125.45	113.0	
WLDR	Traverse City, MI	270	C1	228.11	133.0	
WLEWFM	Bad Axe, MI	271	C2	60.64	55.0	
WGRT	Port Huron, MI	272	A	94.64	31.0	

* Required Spacing Per Section 73.207 of The FCC Rules

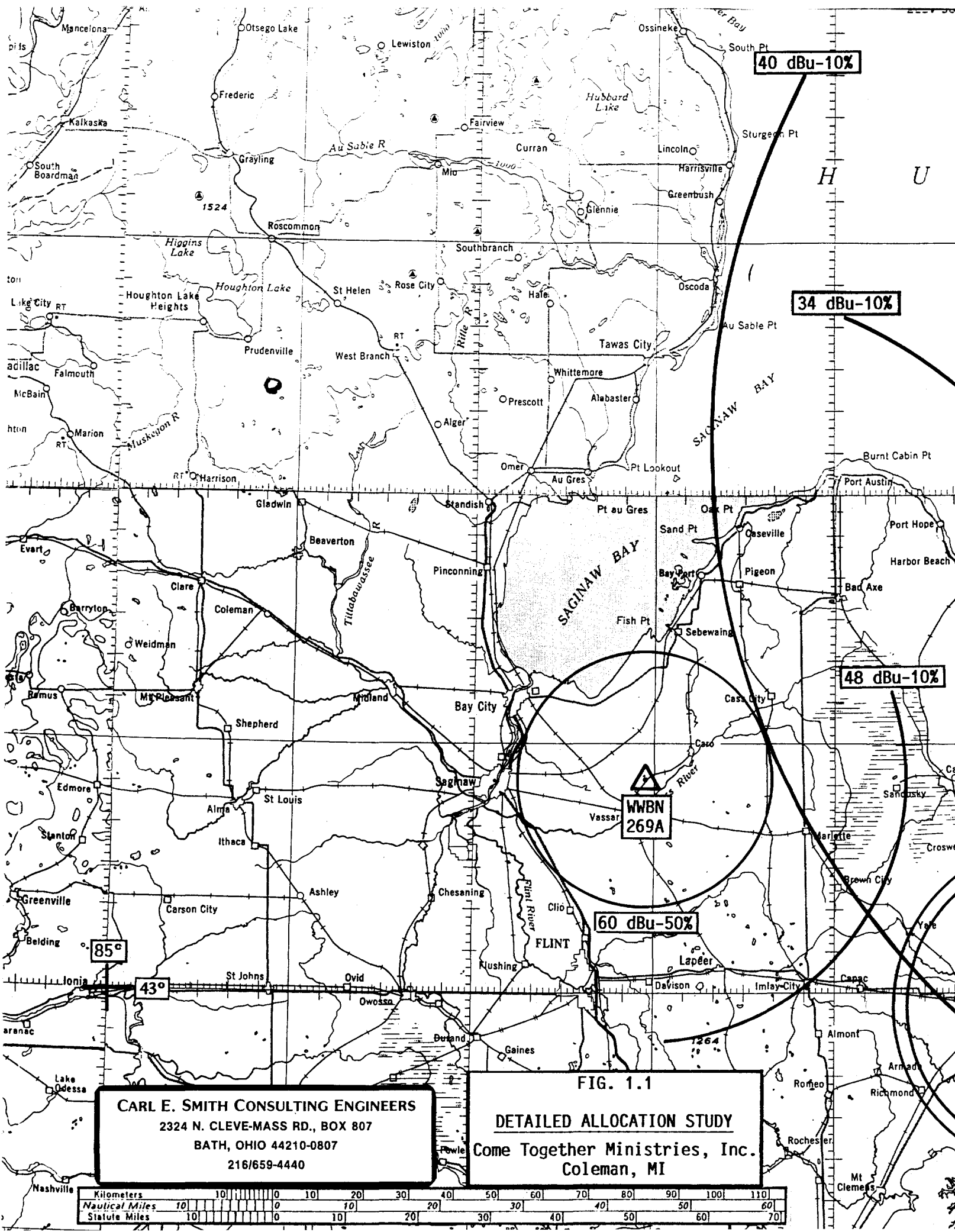
TABLE 1.1 (continued)

FM ALLOCATION STUDY - CHANNEL 269A (101.7 MHz) - TUSCOLA, MI

COME TOGETHER MINISTRIES, INC.
COLEMAN, MI

Notes:

- | | |
|--------------------------------------|-------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Proposed Rulemaking |
| 3 - Channel Deletion Proposed | 9 - Rulemaking Petition |
| 4 - Move From This Channel Ordered | 10 - Short-Spaced |
| 5 - Move to This Channel Ordered | 11 - Vacant Allotment |
| 6 - One Step Reference Site | |



40 dBu-10%

34 dBu-10%

48 dBu-10%

WBN
269A

60 dBu-50%

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FIG. 1.1
DETAILED ALLOCATION STUDY
Come Together Ministries, Inc.
Coleman, MI

